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HON. S. S. COX

ON

AMNESTY FOR ALL.

—♦—

“Let all bitterness and wrath and anger and clamor and evil speaking be put away from you, with all malice; and be ye kind one to another, tender hearted, forgiving one another. * * * * * Redeeming the time, because the days are evil.”—ST. PAUL TO THE EPHESIANS.

Amnesty and the Jefferson Davis Amendment.

SPEECH

OF

HON. SAMUEL S. COX,

OF NEW YORK,

IN THE

HOUSE OF REPRESENTATIVES.

MONDAY, JANUARY 10, 1876.

"Humor not the injustice of revenge."—SIR THOMAS BROWNE.

The anodyne draught of oblivion thus drugged is well calculated to preserve a galling wakefulness, and to feed the living ulcer of a corroding memory. Thus to administer the opiate portion of a amnesty, powdered with all the ingredients of scorn and contempt, is to hold to the lips the cup of human misery full to the brim, and to force it to the dregs."—EDMUND BURKE.

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SPEECH
OF
HON. SAMUEL S. COX.

The House having under consideration the bill (H. R. No. 214) to remove the disabilities imposed by the third section of the fourteenth article of the amendments of the Constitution of the United States, the pending question being on the motion of Mr. BLAINE to reconsider the motion by which the bill was rejected—

Mr. COX said:

Mr. SPEAKER: The honorable gentleman from Maine, who under some dispensation of Providence or of the people is no longer our Speaker, has seen proper at the beginning of this centennial year to tear away the plasters of prudence over the green and bloody wounds of our civil conflict. He has seen proper to justify his conduct in the light of history. I venture to say that there is no precedent in history and no canon in political philosophy which the party in the minority on this floor have not outraged.

The annals of American amnesty furnish a record of republican wrong. Our civil conflict came out of sectional animosity. Our mutual grievances might have been assuaged by the spirit of conciliation. That spirit was wanting, and the red storm was upon us. During those long and bloody years the radical party sought with tigerish appetite not for peace and union so much as for revenge and conquest. It even sought by unconstitutional confiscation to despoil the innocent children of the South of their inheritance for the deeds of their sires. At that time I was compelled to appeal to a higher law for the vindication of constitutional humanity. In January, 1864, to answer the proscriptive nature of the radical argument, I said:

Truly, sir, we have fallen on evil times, when, to bolster up a bill of penalty like this, upon the children of the guilty, the beautiful and sacred relations of the family are to be disrupted. I am shocked, that in this age, and in this country, and in this House—and after England, following our example, has reformed her old and barbarous law forfeiting estates in fee—I am required to stand up before the American people, and as a matter of pure philanthropy and common decency, protest against the cruel and remorseless character of bills of this kind, and to defend the rights of those who have committed no crime, but upon whom it is proposed to visit, after the death of the parent, the crimes of the ancestor. I protest against such bills as contrary to the gentle and loving spirit of the Savior, who, while upon His transcendent mission to this attainted and corrupted world, shielded in His arms the little ones of Judea. His words have a tender and sweet significance which it would not be unbecoming us as Christian legislators to heed: "Inasmuch as ye have done it unto the least of these, ye have done it unto Me." Would that these words were graven upon our memories and hearts when we come to vote upon this harsh and vengeful measure against the little children of the South! Such words interpret the Constitution by a liberal canon of kindness—more potent than ever Grotius, Vattel, or Story conceived or expressed, or than ever modern philanthropy practiced!

Instead of lenity, radicalism broke codes and established tyranny. Instead of building the Roman bridge of gold for the returning recusant, it made the rickety bridge of reconstruction.

Ten years after the termination of the war it proposed the bad rule of force and the bravado of brigadiers to coerce States and upturn established institutions. During the long period since the war it has often babbled of concord. It has made festive speeches about centennial and fraternal feeling, only to return to the low instincts of party advantage and discordant legislation.

At last the people of all sections by an immense majority rose against these policies. They would no longer worship the Nemesis of republicanism; they had read the promise that "good tidings should bind up the broken-hearted, and to them that mourn there should be given beauty for ashes." They felt as they hoped, that the old wastes should be rebuilt and the former desolations be raised up; and they cast up a highway and lifted up a standard for the people! They have sent us here to restore and bless with a grace that knows no grudging, and with a general and generous law that makes no invidious exception, and which will leave no bitterness in its execution.

How have we been met by the other side? By insectivorous attempts to foster fresh hate, about a few Union soldiers here, and that, too, without a foundation of truth or a spark of human generosity toward their sixty peers from the South, who sit courteously and quietly in our midst, intent on the same sentiment of patriotic devotion.

When, therefore, the gentleman from Pennsylvania [Mr. RANDALL] proposes again the bill which was passed by this branch in the last Congress and defeated by the Senate, we may well understand how it is met by the same spirit of reluctance. Priding itself on some superior virtue and patriotism, it cannot allow the mercy of amnesty to go through without party spite. It forgives, but hopes in some way still to punish by fixing a brand on the leader of the revolt. It forgets the grand spirit of Sir Thomas Browne. That spirit teaches that partial forgiveness was not oblivion; that the curtain of night should be shut upon injuries; that they should be as if they had not been, and that reserved forgiveness is not to forgive at all.

Let this sentiment be set in gold for all nations, races, and ages:

Let not the sun in Capricorn go down on our wrath. Let us write our wrongs in ashes; draw the curtain of night upon injuries; shut them up in the tower of oblivion, and let them be as though they had not been. To forgive and yet hope that God will punish our enemies is not to forgive enough. To forgive and not pray God to forgive, is a partial piece of charity. Forgive thine enemies totally, and without any reserve.

The wisest men have advised not to answer in wrath nor on the spur of fury; not to be prodigal in revenges. The old adage of an eye for an eye is not the maxim of generous natures. It is the soft tongue, the heaping of coals of fire on the enemy's head, and the charm of conquest by kindness that makes retaliation grateful and leaves no hatred after it. The sagacious thinkers among men, who have redeemed incivism and made order out of chaos, teach that our wrongs should not be written on marble, but in water.

It is reserved for the gentleman to impress upon his party the inglorious and unreasoning policies of hate. To him the "dead enemy smells well," and he finds musk and amber in revenge. His amendment, couched in the spirit of partial amnesty, is designed to re-inspire wrath and capture the ear of his willing partisans. He would rake over the dead embers of hate to relight the fires of persecution and punishment.

The gentleman has referred to the Duke of Alva. He is no doubt familiar, and his party since the war, at least, have been familiar with that history. The history of the Netherlands under the Duke of Alva is

the history of the radicalism, spoliation, murder, death, and tyranny in the South since 1865. The gentleman says there is no precedent in history for general amnesty. There is a precedent two thousand years ago, and all history is filled with precedents to the point that nations should not make monuments to vengeance; that nations should not build monuments except to foreign conquest—never monuments to domestic calamity. This was the advice of Tiberius to the Roman senate when that body begged Tiberius to erect a monument to vengeance, to commemorate the death of one who fell in civil strife. It has been reserved to the gentleman from Maine to fly in the face of all history, pagan history, Hebraic history, Christian history, and Christian doctrine. Now, in this year of grace and jubilee, he issues his anathema maran-atha against the South. What is his peculiar purpose?

It is not for one member to challenge the motives of another on this floor. Whatever may be the intention of the gentleman, whether led like Macbeth by the dangerous vision of the crown or the hope of reviving the life and vigor of his party; whether this, like other political devices, is meant to divert the public scrutiny from maladministration and whelm in sectional emotion the better feelings of our people, which has sent this majority here; whether he fears that the approaching era of national revolutionary memories may run counter to the narrow ostracism of his limited politics, it is sure that the gentleman has himself not only received new light upon this subject, but that this light leads astray, and is not the light of heaven.

I take issue with the honorable gentleman from Maine when he says that his party is element and amnestical. It is not true. It was not true during the war. It has not been true since. It is not true to-day. And whenever his party has tried to seem element, it has been sure to spoil the clemency by a small, partisan policy.

The history of amnesty is not long; nor is it a fresh theme of mine. My first pleading for it was during the war. Out of its spirit sprang the joint resolution which I offered and which was passed for the exchange of prisoners. It was a partial truce, to soften the horrors of war.

How did the party of the gentleman even then act upon this peculiar question? Is the administration record all right as to the exchange of prisoners during the war? I say on the authority of sixty and odd gentlemen here, many of them having been in the service of the confederacy during the war, that no order was issued at any time in the South relative to prisoners who were taken by the South as to rations or clothing that did not apply equally to their own soldiers; and any *ex parte* statements taken by that blundering committee from which the gentleman has quoted, all that can be raked and scraped together in the shape of these miserable *ex parte* affidavits, cannot controvert the facts of history which will be determined on a fair issue made. So far as the southern government was concerned, whatever may have been the bad conduct of certain persons under them, their orders at least were couched in the spirit of fairness and humanity.

But the gentleman from Maine goes further. He defends the action of the republican party during and since the war because it was so magnanimous, so grand. Why, it allowed you gentlemen of the South to come back here to the American Congress! God bless us all! [Laughter.] The republican party, by the grace of the gentleman from Maine and others, elected you men of the South by removing your disabilities. Down on your knees, gentlemen of the South, before his majesty of Maine! [Laughter.]

In the spirit of generosity, and with a view to the restoration of

peace and union, I have pleaded here for the laws of natural justice; I pleaded for it on sea, to stop predatory and barbarous practices, to enable combatants to make peace, unimbittered by cruelties to helpless women and children, to non-combatants, and to men of productive industry and peaceful occupations in private life; in fine, to make laws for war, and to make them respected and not silent amid the very clangor of conflict. I protested against illegal seizures of property and person, and against punishing and desolating the regions invaded. The very number of the delinquents who fail in patriotism has been held by Vattel and other publicists as the incentive to clemency. Where there are two distinct societies or bodies, and where rebellion rises into civil war, and the insurgency is suppressed, the duty toward the conquered is that of the conquering nation toward its equal in national independence and autonomy. For a stronger reason, those who are engaged in lacerating their common country, the laws of war and the maxims of moderation and humanity obtain. Is it fair to pillage the home of the widow and the heritage of the orphan? Is it just to fire the hospital and the library? Is it human to hang prisoners or poison wells? Then and in such cases, to suppress rebellion, you only intensify and re-invigorate, and you close the door to conciliation.

Any movement looking to the consorting affections of the people, and which decks the sword with the olive, is of the highest statesmanship. Is it not patriotism also? Does it not bring forth the idea or sentiment of oneness in a nation? Does it not blaze out a path in the wilderness of battle to the roof-tree of home? When, therefore, it was sought, in the fell spirit of this amendment, to inspire more hate, by the confiscation of the estates of the innocent, was I not right in interpreting our Constitution by the canons of kindness? And by a parity of reasoning, when it is sought again and now to perpetuate hate by the continued proscription of the chief of the insurgency, may I not again appeal to the spirit of Him who, when He spake to little children and bade them come to Him, also stood upon the nameless mountain and gave us the great lessons of forgiveness to one another, even to the love of our enemies and persecutors.

When the war was drawing to its close, and States were rescued and reconstruction with the military was proposed by one-tenth of the population of such States by legislation here, it became my duty again to warn against that mistake so often fatal to governments, which confounds the pervading taint of disaffection with mere local isolation. At that time President Lincoln had begun to show that magnanimity which aided our conquering armies. He proposed amnesty. It was the first adventure beyond the line of force into the field of conciliation.

When the amnesty of Mr. Lincoln was proposed—proposed in a spirit O, how different from that exhibited by the gentleman from Maine!—he said that he was actuated by malice toward none and charity toward all, Jefferson Davis included. There was no exception, no restriction, no odious test-oaths, which are the edium of history and the derision of all governments—such oaths as we have had—the iron-clad and others. Why, sir, the gentleman from Maine could not have been raised in a Christian church, or in any church which teaches the gospel of Him that “spake as never man spake.” I cannot tell—the nation does not know, in what church he was raised, [laughter;] but one thing I do know, that if he had read the spirit of the Sermon on the Mount aright, he never would have made the vindictive speech which came from him to-day. “Forgive your enemies. Bless those who persecute you.” [Ironical laughter on the republican side.]

The bugles of President Lincoln sounded a truce, though ever so remotely and faintly, but its echoes were as indyng as his motto for charity and against malice. He had endeavored to reform the Union, but his fatal error was that his republicanism was based upon the small apex of his political pyramid. It was held that the States were destroyed; only a *tabula rasa* remained to write the future codes of the many by the sword. The equal dignity of the States was destroyed, and no persuasive measures followed on which to construct anew. The cry was that the "penitentiary of hell" was the prison for the recusants. What followed we know. Cessation of hostilities after the surrender to Sherman on honorable terms; the old ties renewed; a common feeling of fellowship in the Union on the part of the South. What on the part of the North? Moral treason and social anarchy; political proscription and adventurous rapacity; a licentious, uncivic soldiery, and revengeful appetite for pillage? The enchantments of the old associations, almost renewed, were torn to pieces. Poison, not oil, was poured into the unhealed wounds of war. It was the Saturnian revel, in which the father devoured his own offspring. Contentment fled before ignorance and spoliation. Anarchy, secret societies, undisciplined ravage, and reprisals of fraud were followed by rancor and unrest. The friends of the radicals talked extermination, and the better angels of our nature fled aghast from the spectacle.

When a great scholar wrote to the conquering Charlemagne how to treat the subjugated Huns, what was his advice? First. Send gentlemanly men among them. Second. Do not require the tithe. Better lose the tithe than prejudice the people. "Mortal! Treat mortals with kindness. One sacred stream flows for us all." But when the Congress sent its decrees South and the emissaries of discord to execute them, it was a question which was the worst curse, the agents of the Government or the fraudulent taxes! No forgiveness to the enemy; no hope to the desponding; no protection to the oppressed; no measures of moderation. We neither fortified our strength with liberality nor gave courage to despair. Discontent grew, and with it provocations to revolt. But the South remained patient, forbearing, waiting, like the soul of the Psalmist, "more than they that watch for the morning." Did that morning dawn! Ah! how slowly to the weary watcher.

Then came juggling pretenses of amnesty; now and then, for treachery and party service, individual disabilities were removed; now and then some generous impulse would cross the popular mind, led by the better men of the Republican party, only to be suppressed by the iron hand of revenge. When Mr. Sumner proposed to erase the names of victories from the battle-flags, Massachusetts drew black lines around his honored name. When Horace Greeley proposed to reconcile all by amnesty, and even proposed to bail Jefferson Davis and enlarge him from Fortress Monroe, he was hunted as the tiger hunts the lamb. When Chase, and Trumbull, and men of their large mold proposed honorable and responsible governments for the South and peace through all our borders the counter-cry went up, even from this Hall, for funerals, outlawries, and all other schemes of vulgar despotism. When States were smitten, as Georgia, Alabama, Mississippi, Arkansas, and Louisiana; when usurpation went hand in hand with the greedy minions of fraud and the supple tools of force, the cry grew louder for an unrelenting subjugation!

During this decade of wrong, outraging every lesson of history and every tenet of political philosophy, every code of humane law and

every attribute of divine mercy, most of the leading men of the stricken South remained disabled. If they received their ability, it was with niggard acquiescence, without an element of graciousness.

I will proceed to give you the amnesty which was proposed. Perhaps there will not be so many thorns crackling under the pot, which is called the laughter of a certain class, [laughter,] and which I have just heard from the other side of the House. Many particular and partial amnesties were engineered and carried through the House by these republican gentlemen. What for? In a spirit of gracious Christian kindness? No. They were the rewards which you paid for partisan services and base treachery to recruit your failing ranks.

Mr. BLAINE. How did the gentlemen on the other side of the House get here?

Mr. COX. I will tell you that directly.

Mr. BLAINE. Did they betray their cause?

Mr. COX. I will come to that directly. They came here because the South wanted honest representatives, and your representatives from the South were not honest. [Applause on the floor and in the galleries.]

Mr. BLAINE. Will the gentleman tell us how they got amnesty?

Mr. COX. They got amnesty by force of a popular sentiment which enabled a few good men on your side to join the good men on this side and compel amnesty. I will show you where that comes in directly. [Renewed applause.]

Scarcely a general scheme for amnesty was entertained by the party in power until 1869. Many particular cases were passed for special partisan reasons. But in 1863-70 I offered a resolution for general and unexceptional amnesty. Every effort was made to conceal the record on that subject. The gentleman from Pennsylvania [Mr. RANDALL] at last, to get an open vote, moved to lay it on the table, voting against his own motion. The motion was lost—yeas 84, nays 87. Some twenty republicans joined the democrats in this liberal vote, and along with them many colored members, for on that day the colored troops fought nobly. [Laughter.] This is a pretty commentary on the white side of that part of the House. [Laughter.] But the body of your party at once referred it to the sepulcher called a committee on reconstruction, with only 56 negative votes, where it slept the sleep that knows no waking. [Laughter.]

Then an emergency arose, and at the last session of the Forty-first Congress, on December 15, 1870, General Butler's bill was introduced. A curious bill it was. I think the gentleman from Maine [Mr. BLAINE] must have modeled his bill a little on that, for Butler's bill was modeled on a bill of the English Parliament against the Pretender's friends in Scotland. In that long bill of General Butler there was one conspicuous exception, the Rob Roy McGregor. And the gentleman from Maine has picked out his Rob Roy McGregor so as to imitate the persecuting spirit of England toward Scotland two hundred years ago.

That bill was entitled "A bill for full and general grace, amnesty, and oblivion of all wrongful acts, doings, and omissions of all persons engaged in the war of the late rebellion." It was the first step outside of particular personal amnesty. It was outside of partial reprieval. That bill was a measure of proscription in the guise of clemency. Its mercy was as meager as its title was misnamed. It was almost a joke and a solecism. The exceptions gave memory to oblivion and punishment in pardon. It was Lethæ, all alive and rushing like a western river in a freshet. [Laughter.] It was a plan of salvation based on a scheme of damnation. It eternized hate.

It made healing impossible. What was its design? It quieted nothing. It was a bill of pains, penalties, and litigation. But it had an insidious object. It was an act of oblivion for the agents and officers of the United States engaged in reconstruction!

What a commentary! This kind of mercy was not strained. It dropped like the gentle dew of heaven upon the tools and parasites who had harassed and oppressed a conquered people.

What had they been doing, your sweetly-scented agents of reconstruction, that you should have amnestied them? Had they been stealing? Had they been tyrannizing? Had they been upturning Legislatures? Had they been running riot among a helpless and conquered people? The unconscionable scoundrels, who were sunk in the sloughs of a general degradation, were allowed vitally to bubble from their Lethe!

That is one chapter of your amnesty. I wonder the gentleman from Maine [Mr. BLAINE] did not have that section inserted with his other exceptions in his amendment to this bill. That bill, however, was too bad to pass. Even this House could not stand it, and they sent it to a committee; they postponed it on a certain day, on the 11th of January, 1871. It came back, however, in March, 1871, on a motion to reconsider, and it finally passed as amended on motion of Judge Poland, of Vermont. But then the amendment was full of exceptions as to Army and naval officers and those who had voted for ordinances of secession. When that bill passed by 120 to 82, it went to the Senate, and there also it was choked to death like all the others.

Then came the Forty-third Congress; then came the lifting up of the voice of the people. Then you found that the people were demanding that a highway should be cast up and a standard be lifted for them! Then came the moral power of the people. And, although we had kukluxes, and investigations, and all sorts of provocations, and troubles, and atrocities, and recriminations, and threats, yet one day, all at once, to the astonishment of my honored colleague who sits before me, on the Committee on Rules, [Mr. RANDALL,] and myself, it was proposed in the presence of a full committee (and I know where they met) to introduce a general amnesty bill.

This bill was unincumbered with litigations and punishments. It was couched in the language of liberality. It had the grace of all religions and the philosophy of all political eras. It was the product of goodness!

I do not think the House ever instructed the Committee on Rules on that subject. But no matter for that. There was something going on that I could not understand nor did my colleague, [Mr. RANDALL,] It was found out that your policy was arousing hate and losing you what little respect you had in the South. You proposed in that committee to bring in a bill of general amnesty. It was proposed that Mr. Maynard should draw up that bill without any exceptions. I do not say the gentleman from Maine [Mr. BLAINE] proposed it, but it was proposed, and he was present and made no objection to it. And if you appeal here to your God, I appeal to my colleague and to my God and to the RECORD. [Laughter.]

Mr. BLAINE. I observe that the gentleman, following the example of Dogberry, puts his colleague first. [Laughter.]

Mr. COX. I will give you enough of the dog before I get through. [Renewed laughter.] Then I would appeal not merely to Providence, nor to my colleague, but I will appeal to the RECORD to show that a bill almost identical with the one now opposed by the honor-

able and distinguished gentleman from Maine [Mr. BLAINE] then received his acquiescence. I read from the RECORD:

Mr. MAYNARD. I am instructed by the Committee on Rules, acting upon a resolution submitted to them the other day—

There was a resolution—

To report the bill which I send to the desk.

Now that shows that there was some solemn concord among our republican brethren to bring this general amnesty about at that time for some purpose.

This bill which I now send to the desk has met the unanimous approval of the Committee on Rules.

Who constituted that committee at that time? JAMES G. BLAINE, Speaker, and, *ex officio*, chairman of the Committee on Rules. JAMES A. GARFIELD. He still stands out nobly, as I am told, for an unexceptional amnesty. I see it in his benignant smile. [Laughter.] Horace Maynard, SAMUEL J. RANDALL, and another, who perhaps is not so good as some of the others of the committee.

How can I picture the scene of the new transfiguration! I was rejoiced in my heart of hearts. It looked like the good old times again. I wanted something of that kind. My heart had been yearning for these men who had been erring. I wanted them back in the track of the Government. When Mr. Maynard made the proposition his swart features and tall figure shone as it were with a supernal light. The other gentleman [Mr. GARFIELD, of Ohio] seemed to have an aureole around his brow. [Laughter.] And as for the gentleman from Pennsylvania, my colleague, why he was illumined with a sort of centennial halo. [Great laughter.] As for the gentleman from Maine, I can recall how he looked on that occasion. Instinct with some patriotic light, he reminded me of the Apocalyptic angel, which shone so bright and beautiful it was impossible to look upon him. [Great laughter.]

Alas! alas! I was afraid then that there was some party emergency, and that it would pass away as the bill passed to the Senate. Alas! alas! that the grace with which my colleague [Mr. RANDALL] and myself yielded the direction and management of this democratic bill to our republican colleagues should have been so little appreciated. Ah, then I knew that the honorable member from Maine had been perusing history. He had read of Claverhouse and his merry men of blood, and of Huche and his conciliation of La Vendée. He had read of Ireland, Poland, and what not of woes to conquered people.

That Maynard bill was reported to the House. What then? Where was my friend, the Ex-Speaker, then? In the chair? At home? No; he sent down to a member to do something that he did not want to do himself. Why, I am surprised and mortified at the gentleman from Maine sending down to another member—a colored member, too, I believe it was—to do what he had not the courage to do himself; and that was to have Jefferson Davis excluded from the operation of that bill. Is that the statement? Is that correct?

Mr. BLAINE. As the gentleman puts the question to me, I desire to make a little explanation for just a moment. Will the gentleman allow me?

Mr. COX. Certainly.

Mr. BLAINE. What the gentleman states is in the main correct. I can state it more fully. Mr. Maynard was especially anxious to report the amnesty bill. He had certain reasons which I do not fully know, and if I did I should not feel at liberty to disclose them. He

asked me personally in committee not to urge my objections to it. I had great respect and friendship for him, and I was willing that he might report it. But I had a conversation with several gentlemen on the floor in regard to the inexpediency of allowing it to pass. But there was at that time—and I know the gentleman will thank me for this piece of information—

Mr. COX. We are always thankful for anything from you.

Mr. BLAINE. I found there was an expectation on our side that the gentleman from New York [Mr. COX] and his associates would be very kindly disposed toward the civil-rights bill if general amnesty should be passed. I asked the gentleman from South Carolina [Mr. RAINEY] to offer the amendment referred to; and he will oblige me by stating whether his recollection agrees with mine as to his reply.

Mr. RAINEY. I remember the circumstances perfectly well. I declined, for fear that my motives might be misrepresented in the South.

Mr. BLAINE. He said he would not like to do it for many reasons, and among other things because it might prejudice the civil-rights bill, in which he felt a very deep interest. I thought then, as I have already stated, that the bill in such a form as to include Mr. Davis ought not to have gone through. I was in the chair; I could not myself object to the bill; and it took the course which the gentleman himself has indicated. Now will the gentleman please state to me whether there was any little understanding that he and his colleagues would be lenient toward the civil-rights bill, and whether they kept faith on that point?

Mr. RANDALL. There was no such understanding; none in the world.

Mr. COX. Never! never! never!

Mr. RANDALL. And my subsequent conduct when the bill was under consideration gives a contradiction to it.

Mr. BLAINE. I do not accuse the gentleman of violating such an understanding. The subsequent conduct of that side of the House showed very plainly that if there had been such an understanding they did not observe it.

Mr. COX. Now, I think the gentleman from Maine has only made the matter worse. He has said that he had one object in committee and another outside of the committee. He had some secret political purpose. Is that the statesmanship that aspires to the Presidency? [Laughter.] That is to say, while he was ready to acquiesce from personal regard for our present minister to Constantinople, Mr. Maynard; while he would not make trouble in the committee; yet when he is outside of the committee, he seeks a colored member and through him tries to make an objection. Yet, sir, the gentleman sat here then in this House as the guardian of honor and honesty. And while Mr. Maynard says "I am authorized to report this bill unanimously," the gentleman from Maine was as dumb as an oyster.

Mr. BLAINE. The gentleman confuses all distinctions. I was perfectly willing that the bill should come before the House; and I have moved to reconsider the vote on this bill in order to bring it before the House.

Mr. RANDALL. Did the gentleman ever offer in committee any amendment to except Jefferson Davis?

Mr. BLAINE. No, sir, I did not; but—

Mr. COX. That is enough.

Mr. BLAINE. But I was willing to bring the bill before the House, as I am willing to bring this bill before the House.

Mr. COX. Now I want to give the gentleman a little more of this. If he would not undertake to interrupt me quite so much, he would feel a good deal better. He is somewhat like the little boy down in Memphis who undertook to take a twist with a mule's tail; his father said to him afterward, "You don't look so pretty as you did, my boy, but you have learned something." [Great laughter.]

Mr. BLAINE. Does the gentleman from New York [Mr. COX] represent the mule in that illustration? [Renewed laughter.]

Mr. COX. Now, Mr. Speaker, I did not hear the last remark of the gentleman from Maine, but I suppose it was one of the soft and yielding speeches which he is capable of making. [Laughter.]

Mr. BLAINE. Does the gentleman want me to repeat it? [Laughter.]

Mr. COX. O, no! I have the floor. [Laughter.]

Then Mr. Maynard rose. There never was such an opportunity (and I would seize it if I were not a little merciful and did not feel amnestically) in which to run a knife quietly into the gentleman from Maine and turn it round. But I am inclined to deal gently with him. [Laughter.] This is an amnestical occasion.

Mr. Maynard then arose and moved the previous question. Mr. LAWRENCE inquired, would not that admit Jefferson Davis to a seat upon this floor. I remember that Mr. LAWRENCE, of Ohio. [Laughter.] No wonder he got alarmed when he found that the whole committee were unanimous, including the gentleman from Maine. Mr. LAWRENCE said: "I object to it." Mr. HOAR then made an inquiry and a point of order. Mr. Butler, of Massachusetts, insisted on the point of order. Mr. Maynard said:

I move to suspend the rules, so as to allow the committee to report this bill and to pass it. And in answer to the question propounded by the gentleman from Ohio, [Mr. LAWRENCE.] I tell him frankly that this bill will, if enacted, admit the president of the southern confederacy, just as the vice-president has been already admitted, to a seat in either House of Congress, provided the people where he lives shall think proper to send him here. It is general amnesty as recommended by the President.

Mr. COX. Is there any objection to passing it unanimously? The President recommends amnesty; and let us unanimously wind up this foolish business of taking the test-oath.

There was no question then, no clamor then to adopting the amendment from that side. Gentlemen perfectly understood that Jefferson Davis was in the bill.

What magic had worked this wondrous change? The thought of it affected my sensibilities. At once, my mind received a repulsion. I was ashamed of my own poor political intolerance. All my life I had been a partisan. Democracy to me had been a delusive glory. I was almost persuaded that my service in Congress had been a mistake. I should have been a republican. That after all the kukluxism, not to speak of the rebellion and all the recriminations against the proscriptive party, including the soldierly GARFIELD and the belligerent BLAINE, to find them, *them* in a moment—as it were, in the twinkling of an eye—and out of some great patriotic purpose, yielding so sweetly to the claims of clemency, with such magnificent magnanimity—this was much. But when the tall, gaunt form of Maynard seemed to my new vision like one of the "better angels of our nature," it was for a moment too, too much for me. Catching the contagion of kindness, thus illustrated by this committee, we authorized the noble Maynard to take our united thought and crystallize it into the form of this bill of my colleague, [Mr. RANDALL.] We allowed him to present it to the House. The proceedings when this was done are

beautiful to read. They are found immortalized on page 91 of the RECORD of the first session of the Forty-third Congress, December 8, 1873. It was, he said, "the unanimous report of the committee." I think I see his tall form now as he is calling the previous question. With a pinch of snuff between his thumb and forefinger, extended into the glowing light shed through these escutcheons of our independent States, he is about to say that President Grant favored the general amnesty, when the gentleman from Ohio [Mr. LAWRENCE] inquired "if the bill admits Jeff. Davis to a seat on this floor." Did Mr. Maynard shrink from such terrific inquisition? He did not. The bill passed—ayes 141, noes 29. Was there no Speaker, to spring from his exalted seat, to scream out, like a Robespierrean, "Jefferson Davis à la lanterne!" Was there no stentorian voice from the gentleman from Maine, "Down, down forever, with the toad-spotted traitor?" Justice compels me to say there was not. Silently acquiescing with dignity and pride in the action of his committee, the bill passed, from the House to the Senate, where ruthless proscription killed it to keep alive the saddest of memories and the very embers of despair!

Now what a change have we here to-day, and for what purpose? Why do you oppose now your own measure? Why make exception? Why not breathe the old spirit of Sir Thomas Browne, which I once quoted here: "You should draw the curtain for the purpose of hiding injury." No partial pardon, for that is no pardon at all. Gentlemen will find that out, if not in this world, in the other. [Laughter.] Why give a partial amnesty? It is not amnesty if it is partial. It is exceptional, and therefore not in any sense clemency.

It is not difficult to attribute motives to gentlemen on this floor, but I will not do it. The gentleman from Maine is known to be a candidate for the presidency, but that is no reason why he should be a mean man. [Laughter.] He is not; but, on the contrary, a kind-hearted, generous, noble citizen of Pennsylvania and of the State of Maine, representing, as I do here sometimes, two States all at once. [Laughter.] He is the last man to whom I would attribute any bad motives.

But one thing is curious, that he has antagonized President Grant on this subject. I do not like the look of that. [Laughter.] I call upon the republican gentlemen, especially that godly little knot of colored people who voted so nobly for the third term, to vote down this exceptionally obnoxious proposition of the gentleman from Maine. For did not the President of the United States in his message of December, 1873, say this:

I will renew my previous recommendation to Congress for general amnesty. The number engaged in the rebellion still laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

This was general amnesty. Why General Grant even did not favor any exception! He was a soldier. He was not a "scurvy politician." General Grant fought in the war, and made a report in 1863 that you southern men were all right then, contented, acquiescent in the Government. He never believed in this revengeful system. True, he has made some little trouble down South in Arkansas and Louisiana and other places, despoiled a few States with his bayonets, and made a good deal of trouble with these gentlemen here around me. But he never proposed this exceptional, partial amnesty.

Must we of the opposition, who are observing the coming conflict in the republican party, conclude from this and other signs that this amnestical expression of the President has driven his competitor from

Maine into the arms of Jefferson Davis? Must we infer that, to raise a spirit against Caesar, he is compelled to give Jefferson Davis the crown of martyrdom? Is it here that we find the solution? The generous pursuit of arms has made our Caesar tender to the South. Must we compare the politician with the soldier? Both are ambitious: the one is as obdurate as the rock-bound coasts of Maine to the claims of mercy: while we are told that—

The warrior's heart, when touched by her,
Can as downy, soft, and yielding be
As his own white plume, that high amid death
Through the field hath shone, yet moved with a breath.

How shall I contrast the conduct of the honorable gentleman from Maine with that of General Grant without giving my views on the presidential question? [Laughter.]

Now, in conclusion, I wish to recall one thought to the gentleman from Maine and to this House. We have come together here by some tidal wave; these gentlemen from the South have been sitting here taking your little contemptible insults about our organization and our conduct when you knew or you might have known that, in the organization of this House, more maimed Union soldiers have been appointed under democratic administration here this winter according to the number of these appointed than were appointed by your radical Mr. Buxton in the last Congress. [Applause.] And yet you have sent your slanders all over the country. To do what? To prejudice this body of men here, who have quietly taken your taunts and your insults. If you want the facts on that subject, go to Colonel Fitzhugh, our Doorkeeper. You will find that, according to the number appointed, in proportion to the service, fewer Union soldiers were appointed by you than we have this year. There is no reason why you should send out to the country the cry this is the "ex-confederate congress." Many of you will be "ex's" yourselves before you get through with this business. [Laughter.]

Mr. Speaker, I like to speak of amnesty. It is a favorite theme. I was delighted at the idea of getting a majority of 3 five years ago. But here, after ten years of struggle, after ten years of contempt, after every faithful expression possible from southern gentlemen and statesmen, including Jefferson Davis; after all that can be said by them of their adherence to the sentiments of patriotism and union, we have, in this year of jubilee, 1876, the distinguished member from Maine raking up again the embers of dead hates for some bad purpose—I may as well tell all I think about it. [laughter.]—a bad, mischievous, malicious purpose, which will never elect him to the Presidency if he lives a thousand years. [Applause.] I do not ask anybody to applaud these sentiments. They will speak for themselves without applause. But I remember, and the gentleman from Maine may recall the fact, when a member of this House, a distinguished gentleman from Pennsylvania, now deceased, Judge Woodward, once sent to my desk to be read the one hundred and twenty-sixth Psalm. I think I will read it for the benefit of the gentleman. It was after Cyrus had relieved the Hebrews from captivity. The Psalmist touched his harp, and broke forth in the lyric loftiness of gratulation:

1. When the Lord turned again the captivity of Zion, we were like them that dream.

2. Then was our mouth filled with laughter, and our tongue with singing: then said they among the heathen, The Lord hath done great things for them.

3. The Lord hath done great things for us: *whereof* we are glad.

4. Turn again our captivity, O Lord, as the streams in the south.

There is an annotation by Dr. Clarke to this psalm which in connection with it may very well be pondered. It recites that once when the Roman general had overcome Philip of Macedon and conquered Greece, and had put all the cities of Greece under taxation and tyranny, there was a gathering of the people in the circus at the Isthmian games, and without the previous knowledge of any one except the general in command of the city, the herald, as he proclaimed the games, was authorized to proclaim in behalf of the Roman senate and the general of the army to the citizens that their taxes should remain forever abolished, and that no record or rule should remain of the tyranny which had been exercised by the Romans over the Greeks. All the people listened as if it had been an illusion. They were in a dream, like the Jews when relieved from captivity. They turned one to another, and said: "What means this; what did the herald say after he blew the trumpet? Have we been given our liberty?" One said to the other, "Did you hear what was said?" And they went to the herald, and cried, "Repeat to us what you have said;" and he repeated it, and their hearts were full of gladness. Says Livy, "They lifted up their hearts and rejoiced, for the year of their deliverance had come." It was the year of Grecian jubilee. And now, when our jubilee has come in this year of 1876, I would like to have a herald from Philadelphia, or from this Capital, to sound the trumpet and proclaim deliverance to the South from republican exactions, from bad rule, and the establishment of autonomy all through the South. Then a glorious, blessed light coming from above—the white radiance of eternity itself—will shine upon architrave, pillar, and dome of the temple of our American freedom! [Applause.]

Mr. KELLEY obtained the floor.

Mr. BLAINE. Will the gentleman from Pennsylvania allow me to ask the gentleman from New York [Mr. Cox] one question?

Mr. KELLEY. I will yield for a moment for that purpose.

Mr. BLAINE. The gentleman from New York said something in the course of his remarks about his having spoken here against the policy of poisoning wells, and other things of that kind.

Mr. COX. I was trying to illustrate the moderation and humanity of the law as it should obtain among civilized countries.

Mr. BLAINE. Then the gentleman did not mean to imply in so speaking that the Government had pursued any such policy?

Mr. COX. I was speaking of the rules prevailing among civilized nations.

Mr. BLAINE. Did the gentleman mean to imply by the remotest implication that the Government of the United States was resorting to any such measures as that?

Mr. COX. I never had such an idea in my life, and I will correct it in the CONGRESSIONAL RECORD if I expressed myself wrongly.

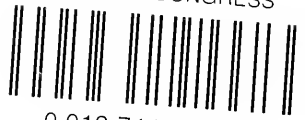
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